



SENATE BILL 568: Recycling and Restoration/Renewable Energy.

2019-2020 General Assembly

Committee:	Senate Finance. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 19, 2019
Introduced by:	Sens. Newton, Rabon, Hise	Prepared by:	Jennifer McGinnis
Analysis of:	PCS to Second Edition S568-CSRI-18		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for Senate Bill 568 would require:*

- *The Environmental Management Commission (EMC) to adopt rules to establish a regulatory program to govern: the management of end-of-life photovoltaic (PV) modules and energy storage system batteries, including requirements for stewardship programs for the recycling of such equipment; and decommissioning of utility-scale solar projects and wind energy facilities.*
Rules adopted must include an initial and annual registration fee of \$1,000 to be paid by any manufacturer that sells PV modules, or energy storage system batteries, in or into the State.
- *The Department of Environmental Quality (DEQ) to establish a stakeholder process to support development of the rules.*

BILL ANALYSIS: The PCS would require:

- The EMC to adopt rules, no later than January 1, 2022, to establish a regulatory program to govern: the management of end-of-life PV modules and energy storage system batteries, including requirements for stewardship programs for the recycling of such equipment; and decommissioning of utility-scale solar projects and wind energy facilities. In the development of these rules, the EMC must consider all of the following elements:
 - The need for adequate financial assurance to ensure proper decommissioning and closure of existing or future-built solar facilities.
 - Whether or not any materials used in utility-scale solar projects, including solar panels and the constituent materials thereof, meet the characteristics of hazardous waste or if they qualify as solid waste, how they can be responsibly managed.
 - The extent to which solar panels, including all of the constituent materials thereof, can be:
 - Reused if not damaged or in need of repair for a similar purpose.
 - Refurbished if not majorly damaged and then reused for a similar purpose.
 - Recycled with recovery of materials for similar or other purposes.
 - Safely disposed of in construction and demolition or municipal solid waste landfills if they are classified as non-hazardous under federal law.
 - Safely disposed of as managed by universal waste or hazardous waste requirements.
 - The economic feasibility and availability of managing the disposition of solar panels by the various methods described in the previous bullet.

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- Whether and to what extent the land upon which a utility-scale solar project is constructed could be economically placed back into use for agriculture crop production after cessation of the activities of a utility-scale solar project.
- The data-based expected economically productive life cycle of various types of solar panels currently in use.
- A survey of other states' and countries' regulatory requirements relating to the decommissioning of utility-scale solar projects, including such requirements related to the various disposition methods identified above.
- The necessary infrastructure needed to develop a practical, effective and cost-efficient means to collect, aggregate, transport or transfer solar equipment for the proper disposition, including through reuse, refurbishment, recycling or disposal.

Rules adopted must include an initial and annual registration fee of \$1,000 to be paid by any manufacturer that sells photovoltaic modules, or energy storage system batteries, in or into the State. The EMC would be authorized to adjust these fees, as necessary, to support the implementation of the requirements to be established by the rules required by this section.

- Require DEQ, within 60 days following the effective date of the bill, to establish a stakeholder process for development of the regulatory program outlined above.
- Require the EMC and DEQ to submit joint interim reports on activities conducted pursuant to the bill on a quarterly basis beginning December 1, 2019, and submit a joint final report with findings, including stakeholder input, to the Environmental Review Commission and the General Assembly no later than January 1, 2021. The interim report due April 1, 2020, must include a recommendation to the General Assembly regarding the resources needed to implement the requirements of the bill.

EFFECTIVE DATE: This PCS would be effective when the bill became law.